From: California Law360
To: Gorwood, Kathy
Subject: Bill Paxton"s Family Sues Hospital, Doc For Wrongful Death
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Law360 California

CALIFORNIA

Wednesday, February 14, 2018

TOP NEWS

Bill Paxton's Family Sues Hospital, Doc For Wrongful Death

The family of actor Bill Paxton, who died of a stroke almost a year ago following heart surgery, has filed a wrongful death lawsuit in California state court accusing a medical center and the surgeon who operated on him of negligence and lying about the risks of the procedure. Read more »

'Goodfellas' Actor Can't Revive $250M 'Simpsons' Image Suit

Fox Television Studios Inc. scored another victory in "Goodfellas" actor Frank Sivero's $250 million suit alleging the studio ripped off his likeness for a character on "The Simpsons" when a California state appeals court on Tuesday affirmed the use of the character was protected. Read more »

Vice Media Accused Of Shorting Women On Pay, Promotions

A former employee at Vice Media Inc. said the millennial-focused news and entertainment company is grossly underpaying its female employees compared to their male counterparts, according to a suit filed in California state court on Tuesday. Read more »

Ex-BigLaw Attys' Licensing Co. Loses Patent Suit Under Alice

A patent licensing company run by former WilmerHale and Kirkland & Ellis LLP partners lost its infringement claims against two security companies on Monday, when a California federal judge found that its patent on internet data channels is invalid under the Supreme Court's Alice ruling for claiming only an abstract idea. Read more »

Jury Awards Microsoft $278K In Office IP Row With Corel

A California federal jury declined Microsoft's request for more than $1 million and awarded it just $278,000 Tuesday in a suit over Corel Corp.'s infringement of patents related to its Office software, finding Corel had willfully infringed nine patents but hadn't learned of the infringement until Microsoft sued. Read more »

Calif. Jury Finds BofA Blacklisted, Defamed Ex-Worker

A California federal jury on Tuesday found Bank of America NA illegally blacklisted and defamed a former BofA client manager when it listed her with a fraud reporting agency, awarding the former employee compensatory and punitive damages that could surpass $1.6 million. Read more »

Passenger Claims Southwest Booted Him For Speaking Arabic

A California man hit Southwest Airlines Co. with a civil rights suit in federal court Tuesday claiming that he was removed from a flight for speaking Arabic, even though he wasn't doing anything wrong. Read more »

LEGAL ETHICS & MALPRACTICE

9th Circ. Botched Sanctions Ruling, Startup Argues

Indiezone Inc. asked the Ninth Circuit on Tuesday to rethink its decision that a lower court correctly sanctioned the startup and its lawyer for bringing a "sham" company into its case alleging that former employees conspired to

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Durie Tangri
Fenwick & West
Fish & Richardson
Gerard Fox Law PC
Gibson Dunn
Glancy Prongay
Greene Broillet
Hausfeld
Izard Kindall
Jones Day
Kirkland & Ellis
Knobbe Martens

steal its $1 billion e-commerce processing software. Read more »

INSURANCE

9th Circ. Skeptical Insurer Must Cover HotChalk FCA Suit

A Ninth Circuit panel on Tuesday questioned HotChalk Inc.'s argument that Scottsdale Insurance should cover costs from a False Claims Act suit over the education technology company's employee compensation policy, with the judges saying the litigation likely fell under the insurer's broad exclusion for suits "arising out of" client services. Read more »

Universal Takes Film Relocation Coverage Fight To 9th Circ.

Universal Cable Productions told the Ninth Circuit on Monday that a California federal court erroneously foreclosed its bid for coverage of the cost to move production of a TV series away from Jerusalem amid a 2014 armed conflict between Israel and the Hamas militant group, saying the lower court improperly applied an exclusion for war-related losses. Read more »

Insurer Tells 9th Circ. Fee Kickback Suit Not Covered

Hanover Insurance Co. asked the Ninth Circuit on Tuesday to reverse a lower court's finding it must defend a real estate brokerage firm in a proposed class action over an alleged kickback scheme, arguing those claims stem from alleged deceptive business practices that are excluded under its policy. Read more »

PRODUCT LIABILITY

Gerber Buyers Denied Cert. In Baby Food False Ad Suit

A California federal judge on Tuesday declined for a second time to certify a class of consumers accusing Gerber Products Co. of misbranding baby food, saying the company already changed the disputed labels and the proposed damages models are flawed. Read more »

BMW Driver Tells 9th Circ. Noisy Brakes Are Safety Concern

A BMW driver told the Ninth Circuit on Tuesday that the noise generated by his car's squealing brakes poses a safety concern the company had a duty to disclose, and urged the court to revive his fraud class action. Read more »

Calif. Sues Mitsuba In Auto Parts Price-Fixing MDL

California sued Japanese auto parts manufacturer Mitsuba Corp. and its U.S. unit Monday alleging the companies took part in a massive conspiracy to rig bids and fix prices for a variety of auto parts that are subject to sprawling multidistrict litigation in Michigan federal court. Read more »

Eli Lilly Says Cymbalta Users Can't Reopen Axed Case

Eli Lilly and Co. urged a California federal court Monday not to reopen a proposed class action alleging the drugmaker hid the withdrawal risks of the antidepressant Cymbalta, saying the proposed class voluntarily dismissed their suit knowing that a U.S. Supreme Court decision could block them from appealing. Read more »

PRIVACY & CONSUMER PROTECTION

McDonald's Hit With ADA Class Action Over Drive-Thru Hours

Fast-food giant McDonald's was hit with a putative class action in Illinois federal court Tuesday from a customer who claims her and other visually impaired people's inability to access McDonald's during drive-thru-only hours is a violation of the Americans with Disabilities Act. Read more »

Economists Ask 9th Circ. To Revive NFL Sunday Ticket Suit

A group of 11 economists from U.S. universities told the Ninth Circuit on Monday that a California federal court misapplied economic principles when it dismissed multidistrict litigation challenging an exclusivity agreement between the NFL and DirecTV over its "NFL Sunday Ticket" package.

Kramer Levin
Latham & Watkins
Levi & Korsinsky
Levy Vinick
Lewis Brisbois
Lieff Cabraser
Maclay Murray
Maslon LLP
Mitchell Silberberg
Morrison & Foerster
Munger Tolles
Orrick Herrington
Polsinelli
Pomerantz LLP
Quinn Emanuel
Rawle & Henderson
Reed Smith
Robins Kaplan
Rosen Law Firm
Shaw Keller
Skadden
Skarzynski Black
Squire Patton Boggs
Strasburger & Price
Stris & Maher
Susman Godfrey
Walkup Melodia
Weinstein & Numbers
White & Case
Wigdor LLP
Wilkinson Walsh
WilmerHale

COMPANIES

A&R Logistics Inc.
Akorn Inc.
American Bar Association
American Civil Liberties Union
BMW of North America LLC
Bank of America Corporation
Blue Coat Systems Inc
Cedars-Sinai Medical Center
Cloudflare Inc.
Clovis Oncology Inc.
Delta Air Lines Inc.
Directors Guild of America
Eagle Pharmaceuticals Inc.
Early Warning Services LLC
Eli Lilly and Company
EpiCept Corp.
Finjan Holdings Inc.
Fitbit Inc.
Google Inc.
Home Depot, Inc.

Read more »

Verizon Users Can't Sustain 'Supercookies' Suit, Court Told

Online marketer Turn Inc. on Monday previewed its latest strategy for shaking a recently resurrected putative class action claiming it secretly tracked Verizon subscribers with "supercookies," telling a California federal court that the plaintiffs have failed to allege a concrete injury and had authorized the disputed data collection. Read more »

Consumer Drops $5M Robocall Suit Against Timeshare Co.

The lead plaintiff in a proposed class action accusing timeshare company Marriott Vacation Club of violating the Telephone Consumer Protection Act by making unsolicited robocalls to her cellphone dropped her $5 million lawsuit against the company Tuesday in California federal court.
Read more »

INTELLECTUAL PROPERTY

Finjan Drops IP Retrial Against Symantec Unit, Signals Deal

Finjan Inc. announced Monday it had vacated a California federal patent infringement retrial set to start that day against a Symantec Corp. unit, saying it reached confidential settlement terms with its cybersecurity rival and expects by the month's end to finalize a "definitive agreement." Read more »

Split 9th Circ. Backs EpiCept Win In Patent-Deal Suit

A split Ninth Circuit panel on Tuesday affirmed a jury decision in favor of EpiCept Corp. in a suit brought by doctors who claim the pharmaceutical company breached its contract by failing to develop patents into FDA-approved drugs, finding that the jury was adequately instructed. Read more »

Judge Denies Phoenix New IP Trial But Refuses VMware Fees

A California federal judge on Monday rejected Phoenix Technologies Ltd.'s efforts to roll back a jury's finding that VMware Inc. did not infringe copyrights for basic computer input-output firmware, but declined to award VMware $11 million in legal fees. Read more »

Nomadix Must Cough Up Patent Info In $11M Licensing Row

A California federal judge on Monday ordered network device maker Nomadix Inc. to disclose patent information related to the counterclaims filed against it by a hotel entertainment company, explaining that the patent licenses could help establish damages in an $11 million suit over unpaid royalties. Read more »

MEDIA & ENTERTAINMENT

Taylor Swift 'Shake It Off' Lyrics Suit Gets One More Shot

A California federal judge on Tuesday said he'll give a pair of songwriters one last shot to bring copyright claims against Taylor Swift for allegedly ripping off lyrics to the 3LW song "Playas Gon' Play" in her 2014 hit "Shake It Off," saying at the same time that the lines at issue are too short and insufficiently creative to merit Copyright Act protection. Read more »

Disney Says DVD Box Clearly Bars Redbox Download Resales

Disney urged a California federal judge Monday not to toss its lawsuit alleging Redbox resells digital download codes for Disney flicks, arguing that terms clearly printed on the box prevent the movie rental giant from hawking the downloads on the secondary market. Read more »

VidAngel Asks 9th Circ. To Revive Claims Against Studios

VidAngel Inc. urged the Ninth Circuit on Monday to revive its antitrust counterclaims against Disney Enterprises Inc., Lucasfilm Ltd. LLC and other studios in their copyright suit against the streaming service, arguing a California federal judge held its conspiracy theory to too harsh a standard.
Read more »

HotChalk Inc.
Hyundai Motor
Kia Motors
Kimberly-Clark Corporation
Kobalt Music Group Ltd.
Live Nation Entertainment Inc.
Lucasfilm Ltd.
Major League Baseball Inc.
Marriott Vacations Worldwide Corp.
McDonald's Corporation
Microsoft Corporation
NBCUniversal Inc.
NFL Enterprises LLC
National Basketball Association
National Hockey League
Netflix Inc.
New York Times Co.
Phoenix Technologies Ltd.
Redbox Automated Retail LLC
Scottsdale Insurance Co.
Sony/ATV Music Publishing LLC
Southwest Airlines Co.
Spokeo Inc.
Sumitomo Electric Industries Ltd.
Symantec Corporation
The AES Corporation
The DIRECTV Group, Inc.
The Walt Disney Company
Thomson Reuters Corporation
TransEnterix Inc.
Turn Inc.
Twentieth Century Fox Film Corp.
Uber Technologies Inc.
Universal Music Group Inc.
VMWare, Inc.
Verizon Communications
Vice Media Inc.
VidAngel Inc.
Warner Bros.
YouTube Inc.
iBAHN Corp.

GOVERNMENT AGENCIES

Delaware Court of Chancery
Department of Commerce
Equal Employment Opportunity Commission
European Union
Federal Bureau of Investigation
Food and Drug Administration
Government Accountability Office
Illinois Supreme Court

SECURITIES & WHITE COLLAR

Life Science Investor Suits Spiked In '17, Dechert Reports

The number of securities class actions investors filed against life sciences companies dramatically increased in 2017, reaching a record-high 88, according to a report recently released by Dechert LLP. Read more »

COMPETITION

Ramen Cos. Seek To Decertify Buyers In Price-Fixing Row

A pair of Korean ramen noodle companies asked a California federal judge Tuesday to decertify an indirect-purchaser class of noodle buyers from six states in a price-fixing action against the companies, arguing that a recent Ninth Circuit ruling raises the bar on certification of multistate classes. Read more »

HEALTH

9th Circ. Won't Revive Lab Vendor's RICO Suit

A Ninth Circuit panel Tuesday declined to revive a Racketeer Influenced and Corrupt Organizations Act suit against the owners of health care vendor and bookkeeping company North American Health Care, saying that Diagnostic Laboratories did not properly allege that they perpetrated multiple schemes or that they defrauded any vendors. Read more »

IMMIGRATION

9th Circ. Revives ACLU's Suit Over DHS Checkpoint

The Ninth Circuit on Tuesday revived a suit accusing U.S. Customs and Border Protection of violating the American Civil Liberties Union's free speech rights near an Arizona checkpoint, agreeing with arguments made by a Covington & Burling LLP attorney that the lower court abused its discretion by denying their request to take discovery. Read more »

19 AGs Blast 2020 Census Citizenship Question

A coalition of 19 attorneys general and others urged the U.S. Department of Commerce on Monday to reject the addition of a citizenship question to the 2020 decennial census, arguing it would undermine the accuracy of the population count and violate the census' obligations under federal law. Read more »

EXPERT ANALYSIS

Tips For Drafting Contractual Nonreliance Clauses

Contractual nonreliance provisions, sometimes called "big boy" letters, have received their fair share of attention, but little attention has been paid to the effect forum selection and choice-of-law issues have on such provisions. The choice of where to litigate and which law will govern can significantly impact, if not conclusively determine, the outcome of a dispute, say Amy Park and Niels Melius of Skadden Arps Slate Meagher & Flom LLP. Read more »

LEGAL INDUSTRY

Analysis

Recent Leaks Put Legal Industry On '#MeToo' Notice

Two international law firms announced last week that they were parting ways with U.K. partners after allegations from more than a year ago were suddenly brought to light, in what could be the start of a longer public re-evaluation of how the legal industry addresses — or fails to address — claims of sexual misconduct within its ranks. Read more »

Make New E-Filed Suits Public Now, Cook County Clerk Told

An Illinois federal judge won't wait any longer for the Cook County Circuit

Korea Fair Trade Commission
Los Angeles World Airports
New York Attorney General's Office
Solicitors Regulation Authority
U.S. Census Bureau
U.S. Customs and Border Protection
U.S. Department of Education
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Supreme Court
United Nations

Court clerk to implement a system to make new electronically filed lawsuits immediately available to the public and media outlets, the judge said Tuesday, rejecting the clerk's request for a stay while she appeals his order. Read more »

Rawle & Henderson Fired Worker Claiming Harassment: Suit

A former legal secretary for Rawle & Henderson LLP launched a lawsuit in New York state court Monday, alleging that members of the law firm fabricated workplace performance problems to push her out after she complained of a partner's sexual harassment. Read more »

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Jones Day
Silicon Valley, California

Patent Prosecution Associate (Organic Chemistry)
Jones Day
San Diego, California

Intellectual Property Litigation Associate
Duane Morris LLP
Silicon Valley, California

Litigation Associate
Hopkins & Carley
San Jose, California

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Duane Morris LLP
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